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FILED

JUL 30 2010

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

By: Carla Silva
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
: Administrative Action
MICHAELENE CALLAHAN, D.C. :
License No. 38MC00609100 :
: CONSENT ORDER
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon receipt of information that Michaelene Callahan, D.C. (hereinafter "Respondent") billed for services not rendered and failed to maintain adequate patient records. Specifically, it has been alleged that Respondent billed for at least twelve (12) dates of service to patient D.A. which did not occur; and that Respondent failed to maintain minimally adequate patient records for the two or three dates of service to patient D.A. that did occur.

On March 19, 2009, Respondent appeared with counsel, Vincent N. Buttaci, Esq., at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, it appears to the Board that Respondent failed in her responsibility to supervise the billing of services by her practice, resulting in billing for services that were not rendered, in violation of N.J.A.C. 13:44E-2.11(a)5. It further appears to the Board that Respondent violated N.J.A.C. 13:44E-2.2, by failing to maintain minimally adequate patient records for the services that were rendered to D.A. In addition, the Board finds that Respondent's testimony indicates a need for continuing professional education in the area of professional ethics and boundaries.

These findings establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h) and (e). It appearing, however, that Respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and for good cause shown;

IT IS ON THIS 29 DAY OF July 2010,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is, suspended for a period of six (6) months, which shall be stayed and become a period of probation. Such stayed period of suspension shall be activated upon a showing of Respondent's non-compliance with any of the terms and conditions set forth herein.

2. Respondent is hereby reprimanded for, and shall cease and desist from, further violations of N.J.A.C. 13:44E-2.11(a)5 and N.J.A.C. 13:44E-2.2.

3. Respondent shall attend and successfully complete "The Probe Program: Professional/ Problem-Based Ethics" which is administered by The Center for Personalized Education for Physicians (CPEP). The course is to be completed within one (1) year of the date of entry of this Order. Respondent shall additionally be responsible to ensure that the course provider submits written confirmation to the Board, following the course, attesting that Respondent successfully completed said course. "Successful completion" means that Respondent has attended all sessions of the courses, fully participated in the courses, and received a final evaluation of an unconditional pass. Respondent shall be entirely responsible for any and all costs or expenses relating to the course.

4. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the total amount of \$5,000.00 for violations of N.J.A.C. 13:44E-2.11(a)5 and N.J.A.C. 13:44E-2.2. Payment shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Jonathan Eisenmenger, Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101, and shall be in installments as described in paragraph 5

hereof. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$4,231.26. Payment for the total amount of the penalty and costs shall be by certified check or money order made payable to the State of New Jersey and submitted to Jonathan Eisenmenger at the address described in paragraph 4 above as follows: an initial payment in the amount of \$1,846.25 shall be made upon endorsement of this Order by Respondent; thereafter, the remainder shall be paid in twelve equal installments of \$615.41, on the first day of each month following the issuance of this Order. Failure to render any payment within ten (10) days of the date due shall cause the remainder to become due and payable in its entirety, with interest to accrue at an annual rate as provided for post judgment interest in N.J. Court Rule 4:42-11(a).

6. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

7. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by

reference as though fully set forth herein, whether or not they are attached hereto.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By:

Michael B. Krouse, D.C.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Michaelene Callahan, D.C.

I hereby agree to the form and entry of the within Consent Order on behalf of my client.

Paul D. Werner, Esq.
Attorney for Respondent

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NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

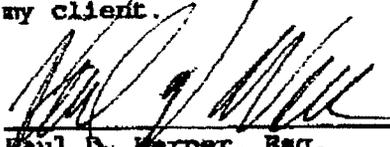
By:

 7/25/10
Michael B. Kruse, D.C.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Michaelene Callahan, D.C.

I hereby agree to the form and entry of the within Consent Order on behalf of my client.


Paul D. Werner, Esq.
Attorney for Respondent